**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.11295 OF 2006

**09.06.2006**

Between:

Bolisetty Lingaiah, S/o.Venkat Ramaiah

… Petitioner

AND

The Mandal Revenue Officer, Mancherial
And others

… Respondents

**THE HON'BLE SRI JUSTICE V.V.S.RAO**

WRIT PETITION No.11295 OF 2006

ORDER:

The respondents 3 to 9 filed writ petition being W.P.No.8260 of 2006 before this Court. They alleged that they purchased land in survey No.344 admeasuring Acs.6.39 guntas situated at Mancherial village in Adilabad District and that the same was not implemented in the revenue records. By an order dated 24.4.2006, this Court disposed of the matter directing the Mandal Revenue Officer, Mancherial (MRO), the first respondent herein, to pass appropriate orders within six weeks. Thereafter, by impugned proceedings No.B/3057/2006 dated 08.5.2006, the first respondent directed the implementation of the registered documents in favour of respondents 3 to 9. After coming to know about the proceedings, the petitioner, who claims to be the owner of same land, which he allegedly purchased from Thavtam Tara Bai and three others of Mancherial prior to the alleged purchase by the respondents 3 to 9, immediately filed an appeal before the second respondent under Section 5(5) of A.P. Rights in Land and Pattadar Passbooks Act, 1971 (the Act, for brevity). It is alleged that the second respondent did not immediately take action and there is likelihood of the first respondent issuing pattadar passbooks and title deeds in favour of contesting respondents pursuant to the impugned order. Therefore, the present writ petition is filed.

A categorical averment is made in the affidavit accompanying the writ petition that the petitioner filed appeal before the second respondent against the impugned order. It is also alleged that the second respondent neglected to take cognizance of the same. This is not permissible. When the statute constitutes the Revenue Divisional Officer (RDO) as an appellate authority under Section 5(5) of the Act, he cannot ignore the appeal filed by the petitioner. In such a case, the RDO has to take action in accordance with Rule 21 of A.P. Rights in Land and Pattadar Passbooks Rules, 1989 (the Rules, for brevity). Therefore, this matter can be disposed of in the following manner.

The RDO, Mancherial, the second respondent herein is directed immediately to take appeal filed by the petitioner, if it is already filed,

on file, issue notice to the contesting respondents and dispose of the same within a period of two weeks from the date of receipt of a copy of this order. In the meanwhile, if any further action is already taken by the first respondent, the same shall be subject to the further orders that may be passed by the second respondent in the appeal.

The writ petition, with the above observations and directions, is accordingly disposed of. No costs.

_____

(**V.V.S.RAO, J**)

June 09, 2006
NOTE:
Dispatch order copy by
12.6.2006.
(By order)
YS